

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 28, 2003

DIVISION ONE

B166018 Los Angeles County, D.C.S.
v.
Tanya T.
In re Elenilson F. et al., minors.

B167910 Los Angeles County, D.C.S.
v.
Tanya T.
In re Elenison F., et al., minors

Filed order consolidating above captioned appeals.

DIVISION TWO

B161657 People (Not for Publication)
v.
Agasarkisian

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B163802 People (Not for Publication)
v.
Davenport

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

July 28, 2003 (Continued)

DIVISION THREE

B157865 People (Not for Publication)
v.
Terrence Lee Brown

The 25-years-to-life sentences on counts 2 and 3 are stayed pursuant to section 654. The true finding that Brown suffer a prior conviction within the meaning of section 667.5, subdivision (b), in Washington state case no. 92-1-1-02853-2 is set aside and the corresponding one-year enhancement imposed pursuant to section 667.5, subdivision (b), is vacated. The matter is remanded for a retrial as to the prior conviction allegation. In all other respects, the judgment and sentence are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B149183 Stevedoring Services of America
v.
State Compensation Insurance Fund

Filed order denying petition for rehearing.

DIVISION SIX

B163457 People (Not for Publication)
v.
Hakim

We modify the judgment to strike the premature \$200 parole revocation fine, but otherwise affirm. The trial court shall prepare an amended abstract of judgment and forward it to the Department of Corrections.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

July 28, 2003 (Continued)

DIVISION SIX (Continued)

B159422 People (Certified for Publication)
v.
Wallace

Filed order modifying opinion. Respondent's petition for rehearing is denied. (No change in the judgment)

B153803 Board of Trustees
v.
Mercer, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

B149425 People (Certified for Partial Publication)
v.
Robinson

The judgment of the superior court is reversed and the matter is remanded to the Superior Court to allow the trial court to conduct a new hearing on the *Wheeler* issues. Initially, the court must determine whether it and the attorneys can adequately address the issues at this late date. If not, the court is to order a retrial. If it can address the issues, it must first consider if the prosecutor's reasons for excusing each of the African-Americans that were the subject of the first *Wheeler* motion were constitutionally valid. If it determines that the reasons given by the prosecutor for the first *Wheeler* motion are valid, then it must reconsider the second *Wheeler* motion taking into account all of evidence it has heard in the first *Wheeler* motion in order to determine if there has been a pattern of systematic exclusion.

If the court grants any of the *Wheeler* motions, it shall order a new trial. If the court denies the *Wheeler* motions, judgment shall be reinstated and the abstract of judgment corrected to reflect defendant is entitled to 574 days conduct credit and that, as to each count, defendant receive consecutive five-year high terms for the gun use enhancement.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B156870 County of Los Angeles (Certified for Publication)

v.

Commission of State Mandates

California Dept. of Finance

The judgment of the trial court is reversed. The trial court is directed to enter a new and different judgment denying the County's petition for writ of mandate and reinstating the findings of the Commission.

Munoz, J. (Assigned)

We concur: Perluss, P.J.

Woods, J.

B160921 Drum (Not for Publication)

v.

Chick's Sporting Goods, Inc., et al.

The order of the superior court is reversed. The trial court is directed to enter a new order granting the motion and ordering the parties to arbitrate the claims in this action under the terms of the arbitration provision in the 1996 Dispute Resolution Agreement, with the exception that the Chick's shall pay the costs of the arbitrator's fees. The trial court is further directed to stay the action pending completion of the arbitration. The parties shall bear their own costs on appeal.

Munoz, J. (Assigned)

We concur: Perluss, P.J.

Woods, J.

B159407 Shelden, et al. (Not for Publication)

v.

Grossman, et al.

The judgment is affirmed. Each party to bear their own costs.

Munoz, J. (Assigned)

We concur: Perluss, P.J.

Woods, J.

July 28, 2003 (Continued)

DIVISION SEVEN (Continued)

B158936 Kelley (Not for Publication)
v.
Kukreja, et al.

The order awarding attorneys' fees and costs to Bahari Kukreja and Madhu Kukreja and against Kelley is reversed and remanded to the trial court with directions to deny the request for fees and costs. Appellant shall recover his costs of appeal.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

B160059 Los Angeles County, D.C.S. (Not for Publication)
v.
Julia V.,
In re Corin V., et al.

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

B162047 Los Angeles County, D.C.S. (Not for Publication)
v.
Arturo O.,
In re Jorge C., et al.

The order denying Arturo O. family reunification services and visitation with respect to his child Emelia is reversed and in all other respects the orders appealed from are affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

July 28, 2003 (Continued)

DIVISION SEVEN (Continued)

B160912 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

B159288 People (Not for Publication)
v.
Brown, et al.

The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B160267 Finke (Certified for Publication)
v.
The Walt Disney Company, et al.

The order denying Disney's special motion to strike under section 425.16 is reversed. The cause is remanded to the trial court with directions to enter a new and different order granting the motion as to the cause of action for slander and the cause of action for unfair business practices as to Disney only and to deny the motion in all other respects. Appellant is awarded her costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

July 28, 2003 (Continued)

DIVISION SEVEN (Continued)

B157694 Reynoso (Not for Publication)
v.
Floyd

The order granting a new trial limited to economic damages is reversed and the cause is remanded to the trial court with directions to vacate the judgment and order a new trial on both economic and non-economic damages.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

B161403 Saz (Not for Publication)
v.
Independence Gardens Townhomes and Homeowners' Association, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B154734 People (Not for Publication)
v.
Bradley

The consecutive sentences imposed for robbery and attempted murder convictions are reversed and the cause remanded for re-sentencing consistent with this opinion. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Munoz, J. (Assigned)

July 28, 2003 (Continued)

DIVISION EIGHT

Court convened at 9:04 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B163250 People v. Tiana W.
B159127 People v. Larios
B158445 People v. Dittmer
B159676 People v. Price
B162152 People v. Rocha
B163188 DCFS v. Alfredo P.
B163508 DCFS v. Emigdio R. and Linda E.

Argument waived, cause submitted.

B160348 Arch Escrow Corporation
v.
KTW, LLC et al.

Merits:

Argued by Jeffrey L. Melczer for appellants and by Thomas Kirchoff for respondent. Cause submitted.

B159554 Keh
v.
Ching

On the Court's own motion, oral argument continued to September 25, 2003, at 9:00 a.m.

Court recessed at 9:24 A.M.

Court reconvened at 1:00 P.M.

Present: Cooper, P.J., Boland, J., Turner, P.J. (Assigned) and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (Continued)

B162630 Kohrs & Fiske, et al.
v.
L.A. Unified School District

Merits:

Argued by Kenneth P. Scholtz for appellants and by R. Paul Katrinak for respondent. Cause submitted.

Turner, P.J. (Assigned) leaves the bench.

Rubin, J., assumes the bench.

B160938 Berberich, et al.
v.
City Council of the City of Los Angeles,
Kwan, et al.

Merits:

Argued by Joseph E. Berberich for appellants and by Michael F. Obrand for real parties in interest. Ingrid M. Causey, Deputy City Attorney appears and waives argument for respondent City Council. Cause submitted.

B160857 Aguilar
v.
Chang, et al.

Merits:

Argued by Teresa Aguilar, appellant in propria persona. Kirk Downing appears and waives argument for respondent Jade Escrow. No appearance by Pierpont Laidley for respondent Patel. Cause submitted.

B154884 Mel Bernie & Company, et al.
v.
Reinstein & Calkins, et al.

Merits:

Argued by Marvin Gelfand for appellants and by Edith Matthai for respondents. Cause submitted.

July 28, 2003 (Continued)

DIVISION EIGHT (Continued)

B154584 Murphy, et al.
 v.
 BDO Seidman

Oral argument continued to September 25, 2003, at 9:00 a.m.

B165005 Nos Communications
 v.
 Hi-Tech Gateway, et al.

Oral argument continued to September 25, 2003, at 9:00 a.m.

B162071 Venti
 v.
 Balderrama, et al.

Matter ordered off calendar.

Court adjourned at 2.26 P.M.